

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7382

THOMAS EDWARD PLUMMER,

Plaintiff - Appellant,

versus

SERGEANT HARRIS, Officer at Wallens Ridge
State Prison,

Defendant - Appellee,

and

RONALD J. ANGELONE; NURSE MCNEIL, Medical
Department, Wallens Ridge State Prison; S.K.
YOUNG; RANDOLPH PHILLIPS; ADAM HARVEY,

Defendants.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. Pamela Meade Sargent, Magistrate
Judge. (CA-00-678)

Submitted: February 14, 2002

Decided: February 22, 2002

Before WIDENER, LUTTIG, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Thomas Edward Plummer, Appellant Pro Se. William W. Muse, Assistant Attorney General, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Thomas Edward Plummer appeals the magistrate judge's order dismissing his action under 42 U.S.C.A. § 1983 (West Supp. 2001), following a bench trial.* The record does not contain a transcript of the trial. Plummer has the burden of including in the record on appeal a transcript of all parts of the proceedings material to the issues raised on appeal. Fed. R. App. P. 10(b); 4th Cir. Local R. 10(c). Appellants proceeding on appeal in forma pauperis are entitled to transcripts at government expense only in certain circumstances. 28 U.S.C. § 753(f) (1994). By failing to produce a transcript or to qualify for the production of a transcript at government expense, Plummer has waived review of the issues on appeal which depend upon the transcript to show error. See Keller v. Prince George's Co., 827 F.2d 952, 954 n.1 (4th Cir. 1987). We have reviewed the record before the court and the district court's opinion and find no reversible error. We therefore affirm the district court's order. We deny Plummer's motion to proceed in forma pauperis and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

* The parties consented to proceed before the magistrate judge under 28 U.S.C.A. § 636(c) (West 1993 & Supp. 2001).